## BEFORE THE BOARD OF NURSING HOME ADMINISTRATORS DEPARTMENT OF LABOR AND INDUSTRY STATE OF MONTANA

In the matter of the proposed ) NOTICE OF PUBLIC amendment of ARM 24.162.420, fee ) HEARING ON schedule ) PROPOSED AMENDMENT

## TO: All Concerned Persons

- 1. On September 6, 2005, at 9:00 a.m., a public hearing will be held in room 489, Park Avenue Building, 301 South Park, Helena, Montana to consider the proposed amendment of the above-stated rule.
- 2. The Department of Labor and Industry will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the Board of Nursing Home Administrators no later than 5:00 p.m. on August 30, 2005, to advise us of the nature of the accommodation that you need. Please contact Linda Grief, Board of Nursing Home Administrators, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2395; Montana Relay 1-800-253-4091; TDD (406) 444-2978; facsimile (406) 841-2305; e-mail dlibsdnha@mt.gov.
- 3. The rule proposed to be amended provides as follows, stricken matter interlined, new matter underlined:

24.162.420 FEE SCHEDULE (1) Applicant and licensee fees are as follows:

rees	are	as lollows:	
	(a)	application fee	<del>\$100</del>
	(b)	and (c) remain the same.	
	(d)	active renewal fee	<del>125</del> <u>185</u>
	(e)	temporary permit	<del>100</del> <u>160</u>
		reciprocity	<del>200</del> <u>260</u>
		through (j) remain the same.	
	<del>(k)</del>	<del>-educational approval fee</del>	<del>40</del>
	(2)	and (3) remain the same.	

AUTH: 37-1-131, 37-1-134, 37-9-304, MCA IMP: 37-1-131, 37-1-134, 37-9-304, MCA

REASON: Based on the restructuring within the Department of Labor, the Board of Nursing Home Administrators has determined that there is reasonable necessity to amend ARM 24.162.420 in order to set the Board's fees at a level commensurate with program costs, as required by 37-1-134, MCA. The Board estimates that approximately 167 persons will be affected by the proposed increased active renewal fee and 37 new applicants will be affected by the increased application fee.

The Board is proposing to eliminate the continuing education approval fee that has historically been charged to licensees. The Board estimates that approximately an average of 25 licensees a year will be affected by the change. estimated annual net increase in revenue is approximately \$12,240. The Board has committed to exploring ways to reduce costs. With the proposed fee increase, the Board's projected annual revenue is \$45,225. The Board's appropriation for fiscal year 2005 is \$35,996 including a recharge of \$18,635 and for fiscal year 2006 is \$43,847 including a recharge of \$21,882. The recharge amount is the cost assessed to the Board to cover the costs incurred by the Department to administer the Board, as required by 37-1-131(4), MCA. There are three units that provide these services to the Board: Business Standards Division, the Health Care Licensing Bureau and the Legal Unit. The costs are allocated to each board based on time distribution of each employee who works for the Board, as well as, normal overhead costs such as rent, telephone, computer costs, etc. The Board believes that the proposed fee structure will address the Board's need to maintain fees at a level commensurate with costs.

The Board advises licensees and the public that it has researched the comparable fees of surrounding states. With the proposed fee increases, Montana fees are comparable to those charged by Colorado, Idaho, North Dakota, South Dakota, Oregon, Washington and Wyoming.

- 4. Concerned persons may present their data, views or arguments either orally or in writing at the hearing. Written data, views or arguments may also be submitted to the Board of Nursing Home Administrators, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2305, or by e-mail to dlibsdnha@mt.gov, and must be received no later than 5:00 p.m., September 14, 2005.
- An electronic copy of this Notice of Public Hearing is available through the Department and Board's site on the World Wide Web at www.nha.mt.gov. The Department strives to make the electronic copy of this Notice of Public Hearing conform to the official version of the Notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the Notice and the electronic version the Notice, only the official printed text will be considered. In addition, although the Department strives to keep its website accessible at all times, concerned persons should be aware that the website may be unavailable during some periods, due to system maintenance or technical problems, and that a person's technical difficulties in accessing or posting to the e-mail address do not excuse late submission of comments.

- 6. The Board of Nursing Home Administrators maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this Board. Persons who wish to have their name added to the list shall make a written request which includes the name and mailing address of the person to receive notices and specifies that the person wishes to receive notices regarding all Board of Nursing Home Administrators administrative rulemaking proceedings or other administrative proceedings. Such written request may be or delivered to the Board of mailed Nursing Home Administrators, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, faxed to the office at (406) 841-2305, e-mailed to dlibsdnha@mt.gov, or may be made by completing a request form at any rules hearing held by the agency.
- 7. The bill sponsor notice requirements of 2-4-302, MCA, do not apply.
- 8. Jack Atkins, attorney, has been designated to preside over and conduct this hearing.

BOARD OF NURSING HOME ADMINISTRATORS DEBORAH WILSON, CHAIRPERSON

/s/ KEITH KELLY
Keith Kelly, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

/s/ MARK CADWALLADER
Mark Cadwallader
Rule Reviewer

Certified to the Secretary of State August 1, 2005